

EXHIBIT 15

1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TEXAS
3 BEAUMONT DIVISION
4
5

6 UNITED STATES OF AMERICA ex)
7 rel. ROBERT REDDELL and)
8 ROBERT HENDRIX,)
9 Plaintiff,) Case Number
10 vs.) 1:14-cv-00086-MAC
11)
12 DYNCORP INTERNATIONAL, LLC;)
13 DAMCO U.S.A. INC.,)
14)
15 Defendant.)
16
17 REMOTE VIDEOCONFERENCE
18 VIDEO-RECORDED DEPOSITION OF STEVE TRAUTWEIN
19 Thursday, March 11, 2021, 8:02 a.m. MST
20
21 Goodyear, Arizona
22
23 Reported By: Marjorie Peters, FAPR, RMR, CRR, RSA
24 Job Number: 4466632
25

1 REMOTE VIDEOCONFERENCE
 2 VIDEO-RECORDED DEPOSITION OF STEVE TRAUTWEIN,
 3 a witness herein, called by the Relators for
 4 examination, taken pursuant to the Notice, by and
 5 before Marjorie Peters, a Registered Merit Reporter,
 6 Certified Realtime Reporter and Notary Public in and
 7 for the Commonwealth of Virginia, Witness at
 8 Goodyear, Arizona, on Thursday, March 11, 2021, at
 9 8:02 a.m.
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Page 2

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 14 Dani Elks, Damco
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Page 4

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2 (Pages 2 - 5)

1 Business systems administration. I
2 would characterize myself as an expert in that
3 arena.

4 As well as FAR Part 31-type issues
5 on cost allowability.
6 Q. Okay. The list that I have is cost
7 accounting systems and their administration,
8 contract administration within Department of
9 Defense, et cetera, CACO functions, business system
10 administration, and FAR 31.

11 A. Yeah. I would correct you on the cost
12 accounting systems, you said. It was Cost
13 Accounting Standards.

14 Q. Okay. Any other areas of expertise
15 besides those?

16 A. Cut out there, last word.

17 Q. Any areas of expertise besides those?

18 A. Well, I would say I've developed a level
19 of expertise with respect to broader acquisition
20 issues.

21 Oh, I left one out, too. A very
22 important one. I am an expert in terms of
23 commercial item determinations and commercial item
24 pricing.

25 Q. Okay. Once again, I ask, are there any

1 guess I would have to understand who the lawyer was
2 with respect to their knowledge and ability, et
3 cetera.

4 Q. So, Mr. Trautwein, you cut out
5 sound-wise there, and I have just noticed that I
6 don't know if you're using your -- are you using
7 your earbuds right now?

8 A. I don't use the earbuds, but I have the
9 speaker here. Can you -- the earbuds were causing
10 me not to be able to hear. I can hear better
11 through the computer.

12 Q. I can understand that myself, I would
13 rather not wear earbuds myself, but you are cutting
14 out again. I don't know if there's anything else
15 you can do about that.

16 A. No, the computer speaker is open as well
17 as the earbud speaker. So I'm not sure what else I
18 can do.

19 Q. Okay. We'll try to continue, but if
20 we're still having these issues, they may ask us to
21 try to correct it a little bit better.

22 Okay. Do you have an understanding
23 about whether interpretation of a regulation is a
24 matter of law in a lawsuit?

25 A. I couldn't answer that.

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1 other areas of expertise you are claiming today?

2 A. No.

3 Q. You're not claiming expertise in freight
4 forwarding; correct?

5 A. I am not, no.

6 Q. Now, are you claiming expertise with
7 regard to the interpretation of FAR 31?

8 A. Yes. As a contracting officer in
9 Department of Defense, that was a critical part of
10 my role, was oftentimes interpreting what FAR Part
11 31 or what the Cost Accounting Standards meant and
12 how they should be applied.

13 Q. You're aware that FAR 31 is a
14 regulation; correct?

15 A. Yes.

16 Q. And in claiming expertise in
17 interpreting a regulation, do you claim expertise in
18 the law?

19 A. I do not, no.

20 Q. What difference, if any, is there in how
21 you interpret -- let me restate.

22 Do you believe that you have equal
23 expertise compared with a lawyer with regard to
24 interpreting FAR 31?

25 A. I would not necessarily claim that. I

1 Q. Why cannot you answer that?

2 A. I'm not sure if it's a matter of law or
3 not.

4 Q. If a judge issues a ruling with regard
5 to interpreting the FAR regulations in a lawsuit in
6 which you are involved, do you understand whether
7 that judge is creating the law that governs that
8 case or not?

9 A. That would be my laymen's understanding.

10 Q. Since Mr. Walter testified, have you had
11 an opportunity to speak with him with regard to this
12 case?

13 A. After his testimony?

14 Q. Yes.

15 A. Yes. We spoke briefly last night and
16 for about a minute this morning.

17 Q. When you say "briefly," how long last
18 night?

19 A. Oh, estimated, five, six minutes.

20 Q. Do you have any opinions about this
21 case, at the current time, other than those which
22 are contained in your expert report?

23 A. I -- do I have opinions about the case
24 other than what's in my expert report; is that what
25 you said?

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12 (Pages 42 - 45)

1 Q. Yes.
2 A. I haven't formed any definitive opinions
3 other than what I focused on in my expert report.
4 Q. Okay. Have you reviewed any additional
5 materials since issuing your expert report?
6 A. I believe I have, yes. I believe I
7 reviewed Mr. Walter's rebuttal, and I reviewed
8 another -- another opinion from Mr. Walker, I
9 believe, after we issued our report.
10 Q. Anything else?
11 A. I don't recall other than review -- or I
12 guess I'll call it refresh my memory with respect to
13 some of the documents that were relied on in
14 looking -- in drafting our expert report.
15 Q. I'm sorry. Did you say you may have
16 looked again at documents that you relied upon
17 previously?
18 A. Yes. For example, I re-looked at the
19 commercial item pricing guide, for example, just to
20 refresh my memory.
21 Q. With regard to Opinion 1, how was the
22 decision made to offer an opinion with regard to the
23 bidding process?
24 A. With regard to the admitting process,
25 you said?

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1 understanding my question; is that fair?
2 A. Yes.
3 Q. Okay. I think that will be it for
4 ground rules.
5 So Opinion 1 of your report relates
6 to the bidding process; correct?
7 A. That's correct.
8 Q. How did you come to decide to issue an
9 opinion about the bidding process?
10 A. The charter that we received from Blank
11 Rome, at least -- it got called charter. It sounds
12 more formal than it is, but the issues we were asked
13 to address had to do with DynCorp's actions with
14 respect to their subcontracting with Damco.
15 So, obviously, a part of that would
16 be the bidding process and the way the contract was
17 entered into.
18 Q. Okay. So in the materials that you
19 looked at in order to assess that bidding process
20 for Opinion 1 were what?
21 Can you recall what materials you
22 looked at in order to assess that bidding process?
23 A. I -- I don't recall specifically, but I
24 looked at an array of documentation with respect to
25 some of the market research that DynCorp did with --

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1 Q. Bidding process. That's what --
2 A. Bidding. Bidding. I'm sorry. I have
3 a --
4 Q. I did not go over any ground rules for
5 depositions before we started, and I probably should
6 have because it's been a long time for you.
7 So just like a few quick reminders.
8 I'm really trying not to talk over you because I
9 want to have a clear record, and if you could watch
10 out for that, too, that would be helpful.
11 A. Okay.
12 Q. That's really the major one that I want
13 to bring up.
14 Whenever you want a break, just let
15 me know, and other than answering the question that
16 is on the table, if any, at that time, that's not
17 going to be a problem at all.
18 If there is anything that you cannot
19 hear well, I ask that you let me know, and if you
20 haven't, I'm going to assume that the audio is
21 functioning accurately; is that fair?
22 A. Yes.
23 Q. If there's any question that you don't
24 understand, I'm going to ask you to let me know that
25 as well, and otherwise, I'll assume that you're

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1 in terms of freight forwarding functions, as well as
2 documentation on the pricing, ultimately.
3 Q. Sorry. You cut out at the end of that
4 last sentence.
5 A. Looked at documentation with respect to
6 the pricing.
7 Q. Okay. What materials did you look at
8 that reflected market research that was performed?
9 A. I don't recall specifically.
10 Q. Okay. So Opinion 1 says, "DynCorp
11 conducted a thorough and appropriate process to
12 select Damco as a Transportation Services Provider,
13 using market research, proposal evaluation, and
14 cost/price analysis techniques recognized as
15 sufficient under the proposal solicitation and
16 evaluation provisions in FAR Part 15"; right?
17 A. Correct.
18 Q. So you have offered the opinion that
19 DynCorp used appropriate market research in this
20 bidding process; right?
21 A. That's correct.
22 Q. And that the process was adequate as a
23 whole; right?
24 A. That the process of market research was
25 adequate as a whole?

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13 (Pages 46 - 49)

1 A. What number is it?
2 Q. Let me see my notes.
3 This is actually -- it has a former
4 exhibit designation as well, and so we'll call it
5 Exhibit 0003.
6 A. Okay. I have it up.
7 Q. Okay. I'm going to direct you to a page
8 on this one. If you could look at -- let's see,
9 this is going to be electronic -- kind of hard to
10 see the electronic pages, so let me count them.
11 4.
12 A. Okay. I'm on page 4.
13 Q. At the top of page 4 -- and you may have
14 to zoom in on it a little, I know the print --
15 A. Yes, I have zoomed in.
16 Q. All right. So on this version of this
17 chart, can you see a column for Damco?
18 A. I do not. Not on the top chart.
19 Q. Okay. Let me give you a little help.
20 Go --
21 A. Oh, I'm sorry. I -- when I go down to
22 the left side, I do see Damco.
23 Q. So we're looking at the chart on the top
24 of electronic page 4, that says, "Online Global
25 Freight Forwarding."

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1 Nagel was initially the supplier who was awarded
2 what ended up being awarded to Damco in the end?
3 A. I recall seeing somewhere in the
4 documentation I reviewed that, in fact, Kuehne &
5 Nagel was the initial awardee.
6 Q. Okay. So I believe that we have said
7 that you had -- when you evaluated DynCorp's
8 evaluation of proposals, you had not had the
9 opportunity to review either of these documents that
10 indicate technical scoring for the bidders; correct?
11 A. I don't recall if I reviewed these
12 specific documents. I do recall that there was some
13 document I reviewed that had a discussion of
14 technical evaluations. I just don't recall
15 specifically what that was.
16 Q. Okay. Can you point out for me on
17 Appendix A what document contained that technical
18 review information?
19 A. I don't recall.
20 Q. Are you positive that it's there?
21 A. Well, when you say "positive it's
22 there," again, it could have been an attachment to
23 one of the documents listed or embedded therein in
24 terms of a discussion. I -- so I can't, with any
25 degree of positivity, give you an answer on that.

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1 A. I do -- yeah, I do see it now. It says,
2 "Brian" -- I was looking at "Brian Andrusin" on top,
3 and now it says -- underneath, it says, "Damco USA."
4 I do see it.
5 Q. That's right.
6 So it says, "Brian Andrusin," and
7 then, "Damco USA," at the top column; right?
8 A. Correct.
9 Q. What's the final score listed here?
10 A. 72.
11 Q. Okay. So have you ever seen this
12 document before?
13 A. I don't recall seeing this document.
14 Q. Go to the first page.
15 I just want to make sure, this
16 document is listed -- is -- has the heading "Pricing
17 Analysis, Global Freight Forwarding and
18 Intra-Theater Transport RFP"; right?
19 A. Correct.
20 Q. Number 1 says that the suppliers are The
21 Bright Group, UPS, Kuehne & Nagel, and Damco
22 Logistics.
23 Do you see that?
24 A. I do see that.
25 Q. Are you aware of the fact that Kuehne &

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1 Q. But then it would be contained within
2 the Bates label range that's indicated on your
3 Appendix A; right?
4 MR. MEIER: Objection. Asked and
5 answered.
6 A. Correct.
7 Q. I'm sorry. Did you say "right"? It was
8 hard to hear.
9 A. I said "correct."
10 Q. Okay. So, in any case, I take it that
11 you can't provide an explanation today for why the
12 technical scores listed for Damco during this
13 process go from 72 to 82?
14 MR. MEIER: Objection. Form.
15 A. I can't provide an explanation for it.
16 I know that changes in assessments are quite common
17 in terms of evaluations of contractors, and they're
18 also somewhat subjective on the part of individuals
19 doing them.
20 Q. So at the time that you evaluated
21 DynCorp's proposal evaluation, you did so without
22 access to the technical scoring, and the apparent
23 change in technical scoring along the way; is that
24 right?
25 MR. MEIER: Objection. Form.

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18 (Pages 66 - 69)

1 A. I don't recall having a knowledge or
2 understanding of a change in technical scoring.
3 Q. Okay. So the last part of your
4 statement of Opinion 1 says that you assessed and
5 found sufficient the cost/price analysis techniques
6 employed by DynCorp as part of the bidding process;
7 is that right?
8 A. That's correct. That's what the opinion
9 states.
10 Q. What was your understanding of what
11 those cost/price analysis techniques were?
12 A. Well, first and foremost, was the fact
13 that this was a competitively awarded subcontract.
14 Q. Okay. Other than being competitively
15 awarded, did you take into account any other aspect
16 of what you deemed a cost/price analysis technique?
17 A. Well, in addition to competition, there
18 was certainly the kind of price analysis one would
19 expect in an acquisition -- or in a subcontracting
20 action like this, where comparisons are made between
21 the offered prices.
22 Q. So that would be based on pricing
23 analysis information that you had found in an ACO
24 consent document?
25 A. Again, I don't recall specifically where

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1 (Clarification requested by the Court Reporter.)
2 Q. This chart information.
3 That was my fault. I turned away.
4 A. I may have. I don't recall specifically
5 what documents those would be, though.
6 Q. Okay. So does that mean that you're
7 unable to point me to where Exhibit A is to be
8 indicated?
9 A. Yes.
10 Q. All right. In rendering Opinion 1, are
11 there any other materials that we haven't talked
12 about that you relied upon?
13 A. I don't recall if there's any other
14 materials specifically. Certainly, I relied upon my
15 experience and exposure to these kinds of issues
16 throughout my career.
17 MS. FRAZIER: It might be a good
18 time for a five-minute break, if that's good for
19 you.
20 THE WITNESS: Thank you. That works
21 for me.
22 THE VIDEOGRAPHER: Going off the
23 record. Time is 10:13.
24 (RECESS, 10:13 a.m. - 10:24 a.m.)
25 THE VIDEOGRAPHER: Back on the

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1 I saw that or where I found it.
2 Q. Well, did you consider the November 2011
3 ACO consent document?
4 A. Did I consider that document in arriving
5 at my Opinion Number 1?
6 Q. Yes.
7 A. Yes, that was part of the consideration.
8 Q. I'm getting an exhibit. Bear with me
9 for a moment.
10 Let's go back to Exhibit 123, the
11 JOA from July 2012.
12 A. Okay. I have that up.
13 Q. Go to page 2 of 4, and it has the
14 heading "Price Analysis" at the top.
15 A. Okay.
16 Q. Does this appear to resemble the price
17 analysis that you found sufficient in rendering that
18 part of your Opinion 1?
19 A. Yes. This represents a reasonable
20 summary of it.
21 Q. Okay. In finding this pricing analysis
22 sufficient, did you look at any underlying
23 materials; any other pricing information, anything
24 else besides this chart information?
25 A. I may have --

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1 record. This marks the beginning of media unit
2 number 2. Time is 10:24.
3 BY MS. FRAZIER:
4 Q. So as part of Opinion 1, Mr. Trautwein,
5 in item number 6 on page 3 of your expert report,
6 you make the assertion that in evaluating proposals,
7 DynCorp considered only the offerers' base rates and
8 did not try to make an apples-to-apples comparison
9 of accessorial charges; correct?
10 A. That is correct.
11 Q. What was the basis for that assertion?
12 A. For my assertion?
13 Q. Yes.
14 A. That was the understanding that I got
15 from the documentation that I reviewed, which again
16 I can't point you to specifically where it is, but I
17 recall seeing the documentation that addressed what
18 rates -- what details to compare in terms of the
19 rates.
20 Q. Okay. You can probably guess my next
21 question.
22 If you look at Appendix A, can you
23 pinpoint for me a document that supports that
24 DynCorp considered only offerers' base rates and not
25 accessorial charges?

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19 (Pages 70 - 73)

1 A. I can't recall specifically, no.

2 Q. So I'll show you an exhibit. I believe
3 it's in your marked exhibits.

4 (Previously marked Exhibit 124, e-mail, 8.11.2011,
5 DamcoRR_00222391, was presented.)

6 Q. Please look at Exhibit 124, previously
7 marked.

8 A. I have that exhibit up.

9 Q. Okay. So have you ever seen this
10 document before?

11 A. I don't recall if I've seen this or not.

12 Q. This is an August 11, 2011, e-mail from
13 Brian Andrusin of Damco to Brian Perrenot of
14 DynCorp, cc'ing another DynCorp representative; is
15 that correct?

16 A. I don't know the gentlemen or the
17 references. I presume that's correct.

18 Q. Do you see that it notes, we have taken
19 the fuel and security out of the accessorial tab and
20 added into the base rate structure?

21 A. Yes.

22 Q. This was during the time frame of the
23 bidding process; correct?

24 A. It appears so, yes.

25 Q. Do you know whether -- I believe that

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1 seeing it, I believe, during Ms. Cullum's
2 deposition.

3 Q. It was indeed offered during
4 Ms. Cullum's deposition, I'll represent to you.

5 Do you see that this is entitled
6 "Record of Negotiations" at the top?

7 A. Yes.

8 Q. And then there is a sort of chart that
9 has a column entitled "Summary of Negotiation
10 Communications"?

11 A. Yes.

12 Q. And there are minutes that then ensue
13 between Damco and DynCorp with regard to Damco's
14 bid?

15 A. Yes. I see that they've got the minutes
16 or discussion of what occurred.

17 Q. Let's go to -- let's see if I can get an
18 electronic page -- electronic page 5.

19 A. Okay. I'm at the top of page 5.

20 Q. There's a reference to bid sheet 8 at
21 the top of page 5; do you see that?

22 A. No. We must be on a different page.
23 Mine says electronic page 5.

24 Okay. Mine's -- okay. Here. I'm
25 at it now. Sorry.

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1 your expert report points to discussions between
2 DynCorp and the different bidders.

3 Do you know whether DynCorp and
4 different bidders discussed accessorials
5 specifically?

6 A. I don't recall specifically the
7 discussions that I saw documented in the documents I
8 looked at.

9 Q. Did you attend Chelsea Cullum's
10 deposition?

11 A. I did, yes.

12 Q. Do you recall that I asked her about
13 discussions that occurred between DynCorp and Damco
14 during the bidding process?

15 A. I don't recall the specific discussion,
16 but I'm sure that was touched on.

17 (Previously marked Exhibit 125, Rates inclusive,
18 DI-REDDELL 00707893-928, was presented.)

19 Q. Please look at Exhibit 125 in your
20 marked exhibits folder.

21 A. Okay. I have it up.

22 Q. Okay. Have you ever seen this document
23 before?

24 A. I don't know if I saw it during the
25 preparation of my expert opinion, but I do recall

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1 Q. Okay.

2 A. I do see that.

3 Q. Do you recall that bid sheet 8 in the
4 request for proposals was the bid sheet for
5 accessorial charges for OCONUS?

6 MR. SHEPHARD: Objection to form.

7 A. Also you were a little fuzzy. If you
8 could repeat the question.

9 Q. Do you recall that bid sheet 8, they
10 would have been looking at was for accessorial
11 charges, if any, on OCONUS?

12 MR. MEIER: Objection to form.

13 MR. SHEPHARD: Objection to form.

14 A. I don't recall that bid sheet 8 was
15 specifically focused on accessorial. Again, I just
16 don't recollect if that's true or not.

17 Q. Okay. Putting up an exhibit. I
18 apologize for the slowness of this process, but
19 apparently we should look at the rate sheet.

20 While I'm doing that, do you -- if
21 you could look at Appendix A again. Do you see that
22 there's a rate sheet listed on there?

23 A. I see rate sheet 8 is listed on
24 Appendix A, yes.

25 Q. Okay. Do you remember what it is?

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20 (Pages 74 - 77)

1 say, "In its comparative assessment of offerors,
2 DynCorp considered only the offerors' base rates and
3 did not try to make an apples-to-apples comparison
4 of accessorial charges that might differ by
5 offerer," et cetera; correct?
6 A. Which number are you -- which paragraph
7 are you reading from?
8 Q. It's page 3 of your expert report at
9 Paragraph 6.
10 A. Paragraph -- which one?
11 Q. Paragraph 6.
12 A. Oh, okay.
13 I don't see any reference in
14 Paragraph 7 to accessoriels.
15 Q. Paragraph 6.
16 A. Oh.
17 Yeah, what I said there, "In its
18 comparative assessment of offerors, DI only
19 considered the offerors' base rates, and did not try
20 to make an apples-to-apples comparison of
21 accessorial charges..."
22 That was the end result that they
23 ended up with in terms of their approach because, as
24 I understand it, they could not provide that common
25 comparison of accessoriels amongst the various

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1 I am -- page -- electronic 32 is Bates page 18706 in
2 Exhibit 0006.
3 A. Is that attachment B, comparative
4 pricing?
5 Q. It's the comparative pricing page with
6 the chart at the top.
7 Do you see that?
8 A. I do see the chart, yes.
9 Q. Now, this is an ACO consent from
10 November 2011. Is that -- do you understand that?
11 A. I haven't looked through the entire
12 document, but it's labeled "ACO Consent." So I just
13 haven't had a chance to refresh my memory with
14 respect to the entire document.
15 Q. Okay. Do you see the date for the ACO
16 consent?
17 A. Okay. I now see -- I've scrolled down.
18 I see the CACO letter dated 26 October 2011.
19 Q. All right. So we'll call it fall of
20 2011.
21 So back to page electronic 32, Barr
22 018706, this is the comparative pricing that was
23 submitted to the government for purposes of the ACO
24 consent; correct?
25 A. Could you repeat that? You -- it was

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1 bidders.
2 Q. I cannot tell if you are modifying the
3 statement from your expert report or not.
4 Are you comfortable with the
5 statement from your expert report?
6 A. I am, yes.
7 Q. So it's your -- it's your assertion that
8 DynCorp considered only base rates in comparing
9 offerers; right?
10 A. In making the award and determining best
11 value, yes, that was the end result.
12 Q. So I have marked as a new exhibit what
13 is -- what's been designated, at least for now, as
14 Exhibit 0006.
15 Do you see that?
16 A. May take me a bit to get there. Let me
17 get out of full screen view here.
18 (Exhibit 0006, Advance Notification and ACO Request
19 Consent Form, BARR-18674-716, was marked for
20 identification.)
21 A. I do see Exhibit 0006, yes.
22 Q. Okay. Is this a document you reviewed
23 in forming your opinions?
24 A. Yes. I have seen this document.
25 Q. I'm going to look at another page, which

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1 vague, what you say. It was hard to hear.
2 Q. This is the comparative pricing that was
3 submitted to the government for ACO consent;
4 correct?
5 A. Yes.
6 Q. Does this pricing -- you said that
7 DynCorp didn't look at the accessoriels in awarding
8 the contract; correct?
9 A. I believe I said that they only
10 considered the base rates as evidenced by some of
11 the documents you put up. I believe there were
12 discussions on accessoriels.
13 Q. So this chart does not -- this chart
14 reflects base rates; right?
15 A. I would -- I don't know that for a fact.
16 Q. Okay. Are you aware of any process that
17 DynCorp undertook to render accessoriels that may
18 have been bid by different bidders into and
19 equivalent to add to the base rate so that this
20 chart could be made?
21 A. No, I am not.
22 Q. So can you think of any alternative to
23 this chart being based on base rates?
24 MR. SHEPHARD: Objection to form.
25 A. Again, I wasn't there at the creation of

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28 (Pages 106 - 109)

1 let's use a different example. Let's say there are
2 a number of oversize materials that are being flown
3 by a carrier, and Damco gets -- hires this carrier
4 to fly planes for it, but the carrier doesn't charge
5 anything for oversize. Would it be appropriate for
6 Damco to add on oversize?"

7 You know what. I'm sorry. Let's
8 start this passage -- because it cuts off the
9 answer.

10 Let me go back up.

11 So is it clear from this deposition
12 that Adam Nicholas believes, as he's testifying,
13 that in order to charge a hazmat charge under the
14 MSA between Damco and DynCorp, there has to be
15 actual hazardous material being shipped?

16 A. That would seem to be a logical reading
17 of Mr. Nicholas's understanding as reflected in his
18 deposition, yes.

19 Q. So before you said, you would want to
20 talk to DynCorp folks and understand if whether
21 there was maybe some agreement you were not aware of
22 under which they expected to be charged hazmat, even
23 where a hazardous material was not on board.

24 Do you remember that?

25 A. I do remember --

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1 have language about other pricing, et cetera, which
2 provides fairly significant latitude in my opinion.
3 Q. You mean the language about
4 modifications that can be made to the MSA?
5 A. I think that's part of it, yes.
6 Q. I would like to address Opinion 7 in
7 your report which states, "DynCorp's invoice review
8 practices and the type of supporting data DynCorp
9 obtained from Damco to support payment of its
10 invoices were adequate given the fixed price
11 commercial services nature of the MSA."

12 Do you see that?

13 A. I do see that, yes.

14 Q. So earlier you stated that the only
15 deposition that you read in this case prior to
16 submitting your expert report was Jetta Aiello's
17 deposition; do you recall that?

18 A. Yes. I think I may have also said I

19 read some of the -- I think I had presumed some of
20 the expert opinions were depositions, and that may
21 not be an accurate presentation, but Aiello's is the
22 only deposition of a non-expert that I recall
23 looking at, yes.

24 Q. Well, sir, more to the point, all of the
25 initial expert reports were due on the same day,

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1 MR. MEIER: Objection to form.

2 A. I do remember -- I do remember that,
3 yes. I think I said I would like to talk to someone
4 from them, and if I didn't say it before, I would
5 also like to review the -- in more detail, the
6 subcontractual relationships -- the documents.

7 Q. So as far as Adam Nicholas's testimony,
8 it doesn't support any notion that there was any
9 agreement between DynCorp and Damco to charge hazmat
10 charges if hazardous materials were not on board a
11 shipment; is that fair?

12 A. I believe that's an accurate reflection
13 of his testimony, yes.

14 Q. And have you read any materials in this
15 case and listed them on Appendix A that actually
16 indicate any such agreement between Damco and
17 DynCorp?

18 A. I haven't seen any material that
19 specifically references hazmat and charges incurred,
20 et cetera.

21 Q. Nowhere in the MSA does it actually
22 state that it's okay to charge all of the listed
23 accessoriols on all shipments; correct?

24 A. To my recollection, it -- the MSA does
25 not specifically address that issue, but it does

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1 were they not.

2 MR. SHEPHARD: Objection to form.
3 Q. I mean, let's just -- let's just put
4 this to bed as a housekeeping matter. I'm not
5 asking you about expert reports because you weren't
6 reading other defense expert reports as you were
7 giving your own expert report. They were all due at
8 the same time.

9 Do you remember that?

10 A. Again, as far as depositions, I believe
11 Aiello's is the only one I did look at.

12 Q. So you did not read Krista Robinson's
13 deposition, then?

14 A. I don't recall reading that, no.

15 Q. So I take it you were unaware of her own
16 conclusions with regard to the adequacy of DynCorp's
17 invoice review practices?

18 A. That's correct.

19 Q. Give me a moment for some exhibit work
20 here.

21 All right. I have now introduced
22 and waiting for it to come up, Exhibit 0010.
23 (Exhibit 0010, Robinson 7.23.2019 deposition
24 excerpts, was marked for identification.)

25 Q. Excerpts of Krista Robinson's

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1 deposition.
2 A. I have it in my window.
3 Q. So you are familiar with the fact that
4 Jetta Aiello was describing her invoice oversight
5 work as employing a three-way match method; correct?
6 A. I don't recall the specific terminology,
7 but I do remember that -- that term mentioned, and
8 that she had developed her own process for reviewing
9 the invoices.
10 Q. Okay. Do you know whether DynCorp
11 changed its invoice oversight practices over the
12 course of the performance of the MSA?
13 A. I don't know for certain, but it seems
14 like in all of the documentation that I read that
15 there were some adjustments to their invoice review
16 process based on their initial experience.
17 Q. So I'm going to ask you to look at
18 page 120 -- depo excerpt page 120.
19 A. Okay.
20 Q. So in discussion about -- let me back up
21 and ask you, are you aware of the fact that in
22 December 2012 DynCorp submitted a justification of
23 award to attempt to retroactively get approval for
24 prices under the MSA?
25 A. I do recall that. I don't recall all of

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1 invoices came across, and that Jetta was able to
2 approve them prior. That's what I was going to say.
3 This is what, I think, one of the problems that we
4 had with this is that then it went back over to the
5 program office for the program to review the
6 invoices prior to payment."
7 And I asked, "And was that a
8 reaction to realizing the system had failed?"
9 And the answer was given, "Do you
10 mean that the system being the CPSR or the process
11 in general?"
12 And I said, "The invoice approval
13 process."
14 Krista Robinson answers at the
15 bottom of page 120, "Yes, yes, yes. It was -- it
16 was -- it was unreasonable to expect that a
17 logistics clerk like Jetta could be knowledgeable
18 enough about these dynamics to be able to -- that
19 was unrealistic."
20 And I asked, "To be able to what?"
21 She answers, "To approve the
22 invoices against a document, and if there is a
23 question on how to read it or question it or
24 highlight it."
25 Then I asked, "Okay. And why was it

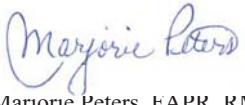
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1 the details of it.
2 Q. Are you aware that months before that,
3 some at DynCorp were surprised to learn what rates
4 were being charged by Damco?
5 A. I remember reading some e-mail traffic
6 in the documents that I reviewed that indicated some
7 level of surprise on DynCorp's part.
8 Q. Okay. Well, I will represent to you
9 that that is a subject of general discussion as this
10 passage begins.
11 A. You cut out there. You cut out there.
12 I'm sorry. I don't -- if you can repeat your
13 representation.
14 Q. Yep.
15 I will represent to you that that
16 was the general subject of discussion at the time
17 that this passage that we'll look at occurs.
18 A. Okay. Thank you.
19 Q. On page 120, line 9, I was the
20 questioner, I asked, "What was the problem here as
21 you understood it at the time? What was the problem
22 here that this was able to happen?"
23 Do you see that?
24 A. I do see that.
25 Q. And Krista Robinson answered that, "The

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1 unreasonable to ask Ms. Aiello to have those
2 particular duties on her own?"
3 Ms. Robinson answered, "Just a
4 mammoth -- the massive amount of freight that was
5 moving at the time. She wasn't just doing it only
6 on behalf of LOGCAP. She was doing it on behalf of
7 multiple programs. So I think that back-end part of
8 the process broke down when -- when it moved over to
9 the COE."
10 I'll represent to you that that is
11 likely a reference to the Centers of Excellence.
12 Did I read that correctly?
13 A. Yes, you did.
14 Q. Then down at the bottom of page 121,
15 Krista Robinson says, "I felt better once I moved
16 over to the program office if the program themselves
17 did it. That was one of the great learnings I had
18 from moving from the COE over to the program office
19 itself."
20 Did I read that correctly?
21 A. Yes, you did.
22 Q. You understand that Krista Robinson
23 moved the invoice oversight process that she's
24 talking about here to the LOGCAP folks at some point
25 before she was deposed about this?

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<p>1 CERTIFICATE OF COURT REPORTER 2 3 I, Marjorie Peters, Fellow of the Academy of 4 Reporting, Registered Merit Reporter, Certified 5 Realtime Reporter, Notary Public the Commonwealth of 6 Virginia, before whom the foregoing deposition was 7 taken, do hereby certify that the foregoing 8 transcript is a true and correct record of the 9 testimony given; that said testimony was taken by me 10 stenographically and thereafter reduced to 11 typewriting under my direction and that I am neither 12 counsel for, related to, nor employed by any of the 13 parties to this case and have no interest, financial 14 or otherwise, in its outcome. 15 I further certify that signature was not 16 waived by the witness. 17 18 IN WITNESS WHEREOF, I have hereunto set my 19 hand this 6th day of April, 2021. 20 21 22 23  24 25 Marjorie Peters, FAPR, RMR, CRR My Commission expires on August 31, 2024.</p>	<p>1 United States Of America Ex Rel. v. DynCorp International 2 Steve Trautwein (#4466632) 3 E R R A T A S H E E T 4 PAGE ____ LINE ____ CHANGE _____ 5 _____ 6 REASON _____ 7 PAGE ____ LINE ____ CHANGE _____ 8 _____ 9 REASON _____ 10 PAGE ____ LINE ____ CHANGE _____ 11 _____ 12 REASON _____ 13 PAGE ____ LINE ____ CHANGE _____ 14 _____ 15 REASON _____ 16 PAGE ____ LINE ____ CHANGE _____ 17 _____ 18 REASON _____ 19 PAGE ____ LINE ____ CHANGE _____ 20 _____ 21 REASON _____ 22 _____ 23 _____ 24 Steve Trautwein Date 25</p>
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<p>1 Mr. Luke Meier, Esq. 2 lmeier@blankrome.com 3 April 6, 2021 4 RE: United States Of America Ex Rel. v. DynCorp International 5 3/11/2021, Steve Trautwein (#4466632) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 errata-tx@veritext.com. 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>	<p>1 United States Of America Ex Rel. v. DynCorp International 2 Steve Trautwein (#4466632) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Steve Trautwein, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 11 _____ 12 Steve Trautwein Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 17 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25</p>
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